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November 30, 1984

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BY HAND

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Dear John:

We have reviewed the topics outlined in your letter of November 27th on which you propose to redepose Ms. Sifuentes. While I do not agree with your claim that you were "foreclosed" from asking Ms. Sifuentes questions on every point referred to in your letter, I will put this aside and say that we will not assert an attorney-client privilege to the questions you now wish to put to Ms. Sifuentes on these matters -- trusting that you will stick to these and not pursue other areas of inquiry. As for Ms. Sifuentes, obviously we have no control over her, but I give you my assurance that if she asks whether she has Universal's permission to give testimony in response to the questions you put to her on these matters, we will say yes and ask her to respond.

I would want you to understand, however, that our consent to permit inquiry into communications Ms. Sifuentes may have had with others at MCA or Universal in which legal advice was sought or given is not to be taken as a basis for seeking disclosure of matters protected by the attorney-client privilege on any issue other than Universal's belief as to the existence of its rights in King Kong. As we see it, our production of the June 19, 1980 memo from Mr. Di Muro to Mr. Sheinberg provides Nintendo with a basis for inquiring of Ms. Sifuentes as to Universal's claim of rights in King Kong. We do not accept, however, that disclosure of that memo effects a waiver of the attorney-client privilege on any other subject. We are prepared to accept questioning on the subject you refer to in your letter.

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DEFENDANT'S
EXHIBIT

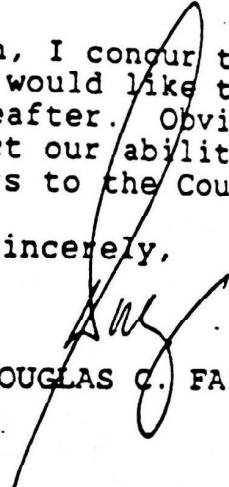
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trusting, as I say, that you will keep this in mind. Obviously, where the line should be drawn is a matter of judgment. I am prepared to obviate dispute over the point, however, for the sake of moving things along even if I think (as I do) that in proposing to question Ms. Sifuentes about legal advice she may have given to the client regarding Nintendo's Donkey Kong application extends this line to the limit.

As to scheduling the deposition, I concur that it should be done promptly, meaning that I would like to see it taken either next week or the week thereafter. Obviously, the scheduling of this deposition will affect our ability to meet the December 17 date to submit our papers to the Court.

Sincerely,


DOUGLAS C. FAIRHURST

DCF:cg

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